

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re: ZYPREXA PRODUCTS LIABILITY : MDL No. 1596
LITIGATION :
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THIS DOCUMENT RELATES TO: :
ALL ACTIONS : **ORDER FOR MANDATORY
INJUNCTION**

Proposed Order

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Upon receipt of the (i) Emergency Oral Joint Motion of members of the In Re Zyprexa Product Liability Litigation Plaintiffs' Steering Committee ("PSC") and Eli Lilly and Company to enforce compliance with Special Discovery Master Peter H. Woodin's Order of December 15, 2006 and Case Management Order No. 3 (CMO-3), and joint request for mandatory injunction, (ii) the Report and Recommendation of Magistrate Mann of December 18, 2006; (iii) and Mr. Gottstein's submission dated December 17, 2006; and having heard oral argument by counsel for the PSC, Eli Lilly and Company, and Mr. Gottstein, and relying on Mr. Gottstein's statements made in his December 17, 2006 submission to Special Master Woodin, specifically that Mr. Gottstein has deliberately and knowingly aided and abetted Dr. David Egilman's willful breach of CMO-3, it is HEREBY ORDERED that the Joint Motion for a Mandatory Injunction is hereby GRANTED, and Mr. Gottstein is enjoined from further dissemination of any of documents produced, pursuant to CMO-3, by Eli Lilly and Company (including all copies of any electronic documents, hard copy documents and CDs/DVDs).

Comment [JG1]: This is not true

IT IS HEREBY FURTHER ORDERED that Special Master Woodin's Order dated December 15, 2006 is hereby enforced, and Mr. Gottstein shall immediately return all documents produced, pursuant to CMO-3, by Eli Lilly and Company (including all copies of any

electronic documents, hard copy documents and CDs/DVDs), and which were provided by David Egilman, M.D., M.P.H., or any other source, to the following address where they shall be maintained, under seal, until further Order:

Special Master Peter H. Woodin
JAMS
280 Park Avenue, 28th Floor
New York, New York 10017

IT IS HEREBY FURTHER ORDERED that Mr. Gottstein shall immediately, upon receipt of this Order, provide to Special Master Woodin and the parties a listing of all persons, organizations or entities to whom any documents covered by this Order, or any subset thereof, were provided.

IT IS HEREBY FURTHER ORDERED that Mr. Gottstein shall, within 24 hours of this Order, identify to Special Master Woodin and the parties, by specific bates stamp, those the particular documents to any person, organization or entity noted above, which shall also include the date and location such documents were disseminated.

IT IS HEREBY FURTHER ORDERED that Mr. Gottstein shall immediately take steps to retrieve any documents subject to this Order, regardless of their current location, and return all such documents to Special Master Woodin. This shall include the removal of any such documents posted at any website.

IT IS HEREBY FURTHER ORDERED that Mr. Gottstein shall take immediate steps to preserve, until further Order of the Court, all documents, voice mails, emails, materials, and information, including, but not limited to all communications, that refer to, relate to or concern Dr. Egilman or any other efforts to obtain documents produced by Eli Lilly and Company.

SO ORDERED

Hon. Brian M. Cogan
United States District Judge

Dated: December 18, 2006
Brooklyn, New York